

## **MINUTES**

### **MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** Chair Dee Brown, on February 8, 2017 at 3:00 PM, in Room 335 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Dee Brown, Chair (R)  
Sen. Douglas (Doug) Kary, Vice Chair (R)  
Sen. Sue Malek (D)  
Sen. Ryan Osmundson (R)  
Sen. Frank Smith (D)  
Sen. Gordon Vance (R)  
Sen. Lea Whitford (D)

**Members Excused:** Sen. Nels Swandal (R)

**Members Absent:** None

**Staff Present:** Barbara Pietuch, Committee Secretary  
Rachel Weiss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 101, 2/2/2017; HB 103, 1/26/2017; HB 207, 1/26/2017;  
HB 207, 2/2/2017; HJ 5, 2/2/2017

Executive Action: HJ 5 - Be Concurred In  
HB 207 - Be Concurred In  
SB 23 - Be Tabled  
SB 141 - Be Tabled  
SB 143 -Tied Vote

00:00:01 Chair Brown

**HEARING ON HJ 5**

**Opening Statement by Sponsor:**

00:01:07 Rep. Kelly McCarthy (D), HD 49, opened the hearing on HJ 5, Resolution recognizing the anniversary of the Fort Robinson Breakout.

**Proponents' Testimony:**

00:08:13 Rep. Rea Peppers, HD 41

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:09:17 Chair Brown  
00:10:03 Rep. McCarthy  
00:11:23 Chair Brown  
00:11:41 Rep. McCarthy  
00:11:56 Chair Brown  
00:12:01 Sen. Kary  
00:12:16 Rep. McCarthy

**Closing by Sponsor:**

00:12:51 Rep. McCarthy  
00:13:54 Chair Brown

**HEARING ON HB 101**

**Opening Statement by Sponsor:**

00:14:37 Rep. Wendy McKamey (R), HD 19, opened the hearing on HB 101, Generally revise MPERA public employee retirement systems.

**Proponents' Testimony:**

00:17:41 Melanie Symons, chief legal counsel, Montana Public Employee Retirement Administration (MPERA)

**EXHIBIT**(sts28a01)

00:26:57 Tom Schneider, lobbyist, Montana Public Employees Association  
00:27:53 Diane Fladmo, Montana Education Association - Montana Federation of Teachers (MEA-MFT)

**Opponents' Testimony:**

00:28:45 Sheryl Wood, associate director, Montana Association of Counties

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:30:38 Sen. Whitford

00:31:25 Ms. Symons, MPERA

**Closing by Sponsor:**

00:32:25 Rep. McKamey

**HEARING ON HB 103**

**Opening Statement by Sponsor:**

00:33:21 Rep. Geraldine Custer (R), HD 39, opened the hearing on HB 103, Generally revise election laws - administrative cleanup.

**Proponents' Testimony:**

00:45:04 Linda Stoll, lobbyist, Montana Association of Clerks and Records

00:45:55 Sheryl Wood, associate director, Montana Association of Counties

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:46:30 Sen. Kary

00:46:57 Chair Brown

00:47:08 Rep. Custer

00:47:36 Sen. Malek

00:48:21 Rep. Custer

00:48:33 Sen. Malek

00:48:41 Rep. Custer

00:48:45 Sen. Malek

00:48:57 Rep. Custer

00:49:37 Chair Brown

00:49:49 Rachel Weiss, research analyst, Legislative Services Division

**Closing by Sponsor:**

00:50:44 Rep. Custer

**HEARING ON HB 162**

**Opening Statement by Sponsor:**

00:51:44 Rep. Rae Peppers (D), HD 41, opened the hearing on HB 162, Provide appropriation for purple heart scholarship program.

**EXHIBIT**(sts28a02)

**Proponents' Testimony:**

00:55:38 Char Gatlin, region commander, Montana Military Order of the Purple Heart (MOPH)

00:59:03 Andy Bixler, student, Montana Associated Students (MAS)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:00:25 Sen. Osmundson  
01:00:42 Rep. Peppers  
01:01:09 Sen. Osmundson  
01:01:17 Rep. Peppers  
01:01:25 Sen. Osmundson  
01:01:44 Mr. Gatlin, MOPH  
01:02:33 Chair Brown  
01:03:02 Mr. Bixler, MAS  
01:03:28 Mr. Gatlin  
01:04:24 Chair Brown  
01:04:46 Mr. Gatlin  
01:05:25 Chair Brown  
01:05:46 Sen. Malek  
01:05:56 Mr. Gatlin  
01:06:38 Sen. Malek  
01:06:44 Mr. Gatlin  
01:07:18 Chair Brown

**Closing by Sponsor:**

01:07:34 Rep. Pepper

**HEARING ON HB 207**

**Opening Statement by Sponsor:**

01:08:23 Rep. Bryce Bennett (D), HD 91, opened the hearing on HB 207, Revise number and time period for campaign reports.

**Proponents' Testimony:**

01:10:15 Jaime MacNaughton, attorney, Commissioner of Political Practices  
**EXHIBIT**(sts28a03)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:11:17 Chair Brown  
01:11:23 Rep. Bennett  
01:11:39 Chair Brown

**Closing by Sponsor:**

01:11:46 Rep. Bennett  
  
01:12:44 Brief Recess  
01:21:24 Reconvened  
  
01:21:25 Chair Brown

**EXECUTIVE ACTION ON HJ 5**

01:21:45 **Motion/Vote:** Sen. Kary moved that **HJ 5 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Swandal voted by proxy. Sen. Small will carry the bill.

**EXECUTIVE ACTION ON HB 207**

01:22:13 **Motion/Vote:** Sen. Kary moved that **HB 207 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Swandal voted by proxy. Sen. Malek will carry the bill.

**EXECUTIVE ACTION ON SB 23**

01:23:08 **Motion:** Sen. Kary moved that **SB 23 DO PASS**.

**Discussion:**

01:23:31 Rachel Weiss, research analyst, Legislative Services Division  
**EXHIBIT**(sts28a04)

01:24:43 **Motion:** Sen. Kary moved that **SB 23 BE AMENDED**.

**Discussion:**

01:25:07 Sen. Kary

01:25:34 Chair Brown  
 01:26:05 Sen. Osmundson  
 01:26:34 Sen. Kary  
 01:26:38 Sen. Malek  
 01:27:53 Sen. Kary  
 01:28:27 Chair Brown

01:28:30 **Vote:** Motion failed 3-5 by roll call vote with Sen. Malek, Sen. F. Smith and Sen. Whitford voting aye. Sen. Swandal voted by proxy.

01:29:34 **Substitute Motion/Vote:** Sen. Osmundson made a substitute motion that **SB 23 BE TABLED**. Substitute Motion carried 7-1 by roll call vote with Sen. Whitford voting no. Sen. Swandal voted by proxy.

### **EXECUTIVE ACTION ON SB 141**

01:30:26 **Motion:** Sen. Kary moved that **SB 141 DO PASS**.

01:30:59 **Motion:** Sen. Malek moved that **SB 141 BE AMENDED**.  
[EXHIBIT](#)(sts28a05)

#### **Discussion:**

01:31:14 Sen. Malek  
 01:32:12 Chair Brown  
 01:32:45 Sen. Malek  
 01:34:50 Chair Brown  
 01:34:53 Sen. Osmundson  
 01:35:05 Sen. Malek  
 01:35:20 Chair Brown  
 01:35:25 Sen. Kary  
 01:35:51 Chair Brown  
 01:36:01 Sen. Malek  
 01:36:45 Chair Brown

01:36:56 **Vote:** Motion carried unanimously by voice vote. Sen. Swandal voted by proxy.

01:37:28 **Motion:** Sen. Malek moved that **SB 141 DO PASS AS AMENDED**.

#### **Discussion:**

01:38:17 Chair Brown  
 01:38:32 Sen. Malek  
 01:39:36 Chair Brown  
 01:40:09 Sen. Malek  
 01:41:01 Chair Brown  
 01:41:06 Sen. Whitford  
 01:43:24 Sen. Osmundson  
 01:45:13 Chair Brown

01:45:16 **Vote:** Motion failed 3-5 by roll call vote with Sen. Malek, Sen. F. Smith and Sen. Whitford voting aye. Sen. Swandal voted by proxy.

01:46:09 **Motion/Vote:** Sen. Kary moved that **SB 141 BE TABLED AND THE VOTE REVERSED**. Motion carried 6-2 by voice vote with Sen. Malek and Sen. Whitford voting no. Sen. Swandal voted by proxy.

**EXECUTIVE ACTION ON SB 143**

01:46:35 **Motion:** Sen. Kary moved that **SB 143 DO PASS**.

01:47:34 **Motion/Vote:** Sen. D. Brown moved that **SB 143 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Swandal voted by proxy.

**EXHIBIT**(sts28a06)

01:48:35 **Motion:** Sen. Kary moved that **SB 143 DO PASS AS AMENDED**.

**Discussion:**

01:48:40 Chair Brown  
 01:50:03 Sen. Kary  
 01:51:22 Sen. Malek  
 01:54:20 Chair Brown  
 01:55:03 Rachel Weiss, research analyst, Legislative Services Division (LSD)  
 01:55:30 Chair Brown  
 01:55:36 Ms. Weiss, LSD  
 01:55:58 Chair Brown  
 01:56:14 Ms. Weiss  
 01:56:31 Chair Brown  
 01:56:40 Sen. Malek  
 01:57:17 Chair Brown  
 01:57:58 Sen. Vance  
 01:58:44 Sen. Malek  
 01:59:01 Sen. Vance  
 01:59:48 Sen. Malek

02:00:24 **Vote:** Motion failed 4-4 by roll call vote with Sen. Brown, Sen. Osmundson, Sen. Swandal and Sen. Vance voting aye. Sen. Swandal voted by proxy.

**Committee Business**

02:02:12 Chair Brown

**ADJOURNMENT**

Adjournment: 5:05 PM

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Barbara Pietuch, Secretary

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Additional Documents:

**EXHIBIT**([sts28aad.pdf](#))